

20478/2010 ORDER SIGNED filed 8/11/2013

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: **HONORABLE MARGUERITE A. GRAYS**  
Justice

IAS PART 4

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**YAIR KERSTEIN,**

Plaintiff(s),

-against-

**MOHAMED H. HASSAN A/K/A**  
**MOHAMED HASSAN et al.**

Defendant(s).

**FILED**  
**SEP 11 2013**  
**COUNTY CLERK**  
**QUEENS COUNTY**

Index  
No.: 20478/2010

Motion  
Dated: May 10, 2013

Motion  
Cal. No.: 55

Motion  
Seq. No.: 5

**ORIGINAL**

The following papers numbered 1-4 read on this motion by defendant for an Order: (1) reversing the auction by plaintiff of the property located at 114-20 101<sup>st</sup> Street, Richmond Hill, New York ("the property") owned by defendant homeowner and violating New York Banking Law 6-L and Home Equity Protection Act, 1994; (2) annulling, vacating and setting aside the sale of the property; (3) tolling and forever barring plaintiff from collecting all or any interest, principal or any fees on this account; and (4) compelling plaintiff to turn over any or all monies received by them before or after the judgment or execution of said judgment in this case, forthwith.

PAPERS  
NUMBERED  
1-4

Notice of Motion Affid.-Exhibits.....

Upon the foregoing papers it is ordered that this motion by defendant is denied in its entirety. Upon review of the pleadings submitted, there is a bankruptcy proceeding pending in the United States Bankruptcy Court for the Eastern District (case number 1-13-41288-cec), which stays the within action.

Dated: **SEP 05 2013**

  
**MARGUERITE A. GRAYS**  
J.S.C.